

## SIR CREEK

### What is Sir Creek?

- The Sir Creek is a 96 km (60 mi) strip of water disputed between India and Pakistan in the Rann of Kutch marshlands. The creek, which opens up into the Arabian Sea, divides the Kutch region of the Indian state of Gujarat with the Sindh province of Pakistan.
- Originally and locally it is called '*Baan Ganga*'. Sir Creek is named after the British representative. The long-standing dispute hinges in the actual demarcation "from the mouth of Sir Creek to the top of Sir Creek, and from the top of Sir Creek eastward to a point on the line designated on the Western Terminus". From this point onwards, the boundary is unambiguously fixed as defined by the Tribunal Award of 1968.

### Dispute:



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- The dispute lies in the interpretation of the maritime boundary line between Kutch and Sindh. Before India's independence, the provincial region was a part of Bombay Presidency of British India. After India's independence in 1947, Sindh became a part of Pakistan while Kutch remained a part of India.
- Pakistan lays claim to the entire creek as per paras 9 and 10 of the Bombay Government Resolution of 1914 signed between then the Government of Sindh and Rao Maharaj of Kutch.



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- The resolution, which demarcated the boundaries between the two territories, included the creek as part of Sindh, thus setting the boundary as the eastern flank of the creek. The boundary line, known as the "Green Line", is disputed by India which maintains that it is an "indicative line", known as a "ribbon line" in technical jargon.
- India sticks to its position that the boundary lies mid-channel as depicted in another map drawn in 1925, and implemented by the installation of mid-channel pillars back in 1924.
- India supports its stance by citing the **Thalweg Doctrine** in International Law. *The law states that river boundaries between two states may be, if the two states agree, divided by the mid-channel.* Though Pakistan does not dispute the 1925 map, it maintains that the Doctrine is not applicable in this case as it only applies to bodies of water that are navigable, which the Sir Creek is not.
- India rejects the Pakistani stance by maintaining the fact that the creek is navigable in high tide, and that fishing trawlers use it to go out to sea. Several cartographic surveys conducted have upheld the Indian claim. Another point of concern for Pakistan is that Sir Creek has changed its course considerably over the years.
- If the boundary line is demarcated according to the Thalweg principle, Pakistan stands to lose a considerable portion of the territory that was historically part of the province of Sindh. Acceding to India's stance would also result in the shifting of the land/sea terminus point several kilometres to the detriment of Pakistan, leading in turn to a loss of several thousand square kilometres of its Exclusive Economic Zone under the United Nations Convention on Law of the Sea(UNCLOS).
- In April 1965, a dispute there contributed to the Indo-Pakistani War of 1965, when fighting broke out between India and Pakistan. Later the same year, British Prime Minister Harold Wilson successfully persuaded both countries to end hostilities and set up a tribunal to resolve the dispute. A verdict was reached in 1968 which saw Pakistan getting 10% of its claim of 9,000 km<sup>2</sup> (3,500 sq. miles).
- The disputed region was at the center of international attention in 1999 after MiG-21 fighter planes of the Indian Air Force shot down a Pakistani Navy Breguet Atlantique surveillance aircraft over the Sir Creek on August 10,



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1999, killing all 16 on board. India claimed that the plane had strayed into its airspace, which was disputed by the Pakistani navy.